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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,192	08/21/2003	Scott F. Watson	0260257	9068
63649 7590 05/31/2011 DISNEY ENTERPRISES C/O FARJAMI & FARJAMI LLP 26522 LA ALAMEDA AVENUE, SUITE 360 MISSION VIEJO, CA 92691				
EXAMINER HUYNH, SON P				
ART UNIT 2424		PAPER NUMBER		
MAIL DATE 05/31/2011		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### Office Action Summary

**Application No.**

10/646,192

**Applicant(s)**

WATSON ET AL.

**Examiner**

SON P. HUYNH

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 178-193 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 178-193 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-912)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/3/2011 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 178-193 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-177 have been canceled.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious



at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 178-193 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2002/0056118) in view of Weaver, III, et al. (US 2002/0015496) and further in view of Machida et al. (US 2002/0059624 A1).

Regarding claim 178, Hunter discloses a method of providing media data to a set top box by a content provider (broadcast media data such as movie to user station, wherein the user station in form of a DBS (or cable) system "set top box" - see include, but not limited to, figure 11, paragraphs 128, 138-139), the method comprising:

selecting the media data having a media content and media metadata by the content provider (selecting media data having a movie content and information such as title, time, or pricing data, etc. by content provider/broadcast station - see include, but not limited to, figures 10-22, paragraphs 0073, 0103, 0118, 0139, 0144, 0147); and

wirelessly broadcasting the media data to the set top box after selecting for storage of the media data on the set top box (wirelessly broadcasting movie data in movie(s) to the user station after selecting popular movies for storage on the user station - see include, but not limited to, figures 10-22, paragraphs 0128, 0138-0139, 141, 143-144, 147-151).

Hunter further discloses certain new release movies in high demand within the customer's primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage module (paragraph 0144). However, Hunter is silent broadcasting the media data after



selection for automatic assembly, wherein the metadata include an end date for automatic deletion of the media content.

Weaver discloses selecting media data having media content and media metadata (e.g., selecting media content having media content and packet ID, packet tag, etc. - see include, but not limited to, figures 3-4, paragraphs 0017-0025);

wirelessly broadcasting the media content to set top box after the selecting for automatic assembly (wirelessly broadcast media content including video, audio, etc. after selecting video data with packet ID, packet tag, etc. for automatic assembly at set top box – paragraphs 0017-0025, figures 3-4, 0035, 0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunter with the teaching as taught by Weaver in order to yield predictable results such as to improve efficiency data transmission.

Machida discloses content provider provides metadata to user station, wherein the metadata include and end date for automatic deletion of the media content from the receiving device (providing metadata and/or control information includes expire time and/date for automatic deletion of the content stored from a receiving device - see include, but not limited to, figures 3-6, 17-20, paragraphs 0078, 0089, 0180-0181, 0195-0196, 0259). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Hunter with the teachings as taught by Machida in order to yield predictable results such as allowing provider to control content stored at remote location or prevent authorized access to the content.



Regarding claim 179, Hunter in view of Weaver and Machida discloses the method as discussed in the rejection of claim 178. Hunter in view of Weaver and Machida further discloses wirelessly broadcasting of media data includes wirelessly broadcasting the media content (see include, but not limited to, Hunter: figure 11, Weaver: par. 0021), and wirelessly broadcasting metadata include end date in carousel or repeatedly to receiving device (see include, but not limited to, Hunter: paragraphs 0105-0118, 0144; Machida: figures 1-8) or the server with remote on/off module 55 sends information to the user terminal to turn viewing permission on or off remotely or to delete the stored content remotely (see include, but not limited to, Weaver: figure 3, paragraph 0046). It would have been obvious to one of ordinary skill in the art to incorporate that the end date is sent in a separate broadcast after the broadcasting of the media content in order to improve flexibility for content provider to remotely control content stored at remote location.

Regarding claim 180, Hunter in view of Weaver and Machida discloses the method as discussed in the rejection of claim 179. Hunter in view of Weaver and Machida further discloses the end date is wirelessly broadcast as part of interstitial data having a contract being date/time and contract end date/time for the media content (see include, but not limited to, Weaver: figures 3-8, paragraph 46; Machida: figures 3-6, paragraphs 0024, 0078, wherein in Machida, begin date/time is read on "start\_time"/date or activation\_time/date or time period for accessing content).



Regarding claim 181, Hunter in view of Weaver and Machida discloses the method as discussed in the rejection of claim 178. Hunter in view of Weaver also discloses encrypted content and decryption of the encrypted content (see include, but not limited to, Hunter: paragraphs 128, 152, 155, 160; Weaver: paragraphs 57, 61, 65). However, Hunter in view of Weaver and Machida does not explicitly disclose transmitting decryption keys for decrypting the media content via a wired connection to set top box/receiving device. Official Notice is taken that transmitting decryption keys for decrypting media content via a wired connection such as cable connection, telephone line connection, Internet wired connection, to a receiving device is well-known in the art (see for example, US 6,985,591: figure 2, col. 3, lines 15-20, lines 56-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Hunter in view of Weaver and Machida with well-known teaching in the art in order to yield predictable results such as to improve the security of content protection (see for example, US 6,985,591: col. 2, lines 33-38).

Regarding claim 182, the limitations of a method managing media data in a set top box that correspond to the limitations of method of providing data to the set top in claim 178 are analyzed as discussed in the rejection of claim 178.

Hunter in view of Weaver and Machida further discloses receiving, via a wireless broadcast, using the set top box media data selected and wirelessly broadcast by a content provider (see discussion in the rejection of claim 178 and Hunter: figure 11, paragraphs 0139, 0149-0150; Weaver: figure 3, paragraphs 0017-0021).



Regarding claim 183-185, the limitations that correspond to the limitations of claims 179-181 are analyzed as discussed in the rejection of claims 179-181, wherein the limitation of "during the second wireless broadcast..." is interpreted as another channel/network or different time in carousel or repeatedly broadcast.

Regarding claim 186-193, the limitations that correspond to the limitations of method in claims 178-185 are analyzed as discussed in the rejections of claims 178-185.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Graunke (US 6985591) discloses method and apparatus for distributing decryption keys for decrypting and re re-encrypting publicly distributed media.

Mourad (US 7213005) discloses digital content distribution using web broadcasting services.

Spencer et al. (US 2003/0014630 A1) discloses application server issues delete command to the download manager to delete file stored remotely at playback device (par. 0087).



Kataoka (US 2003/0031186) discloses distributing metadata include expiration date and automatic contents deletions using expiration date (figures 13-15, paragraphs 0304-0317).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PANKAJ KUMAR can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SON P. HUYNH/  
Primary Examiner, Art Unit 2424

May 26, 2011



